

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X  
**ELIZABETH M. RYAN, individually and on behalf  
of the estate of THOMAS W. RYAN, deceased**

**Plaintiff,**

**ORDER  
04 CV 2666 (NG) (KAM)**

**- against -**

**STATEN ISLAND UNIVERSITY HOSPITAL,  
GILBERT LEDERMAN, GILBERT LEDERMAN,  
M.D., P.C., and PHILIP JAY SILVERMAN,**

**Defendants.**

-----X  
**GERSHON, United States District Judge:**

Defendant Staten Island University Hospital ("SIUH") has filed a timely appeal from the Memorandum and Order of the Honorable Kyo A. Matsumoto, Magistrate Judge, dated April 13, 2006, directing disclosure of records that SIUH claims are protected from disclosure under certain provisions of state law. The issue presented here involves a conflict between the policies underlying the state law privileges relied upon by SIUH and the policies supporting plaintiff's ability to prove her case, which seeks relief not only for medical malpractice but for false advertising under New York General Business Law § 349 and § 350. Upon review of the appeal and the relevant authorities, I conclude that, under the facts of this case, Judge Matsumoto has struck the correct balance and has applied New York state law fairly and with due regard for the state policies expressed in the various provisions addressed, as well as for this court's liberal discovery rules. Finally, Judge Matsumoto sensitively limited her order directing disclosure and authorized appropriate redactions so as to limit impingement on the policies upon which SIUH relies and to mitigate any potential harm to SIUH.

**SO ORDERED.**

\_\_\_\_\_/s/\_\_\_\_\_  
**NINA GERSHON**  
**United States District Judge**

**Dated: November 2, 2006  
Brooklyn, New York**